

**AGENDA  
CITY COUNCIL MEETING**

January 7, 2008  
4:30 o'clock p.m.



<b>FORT MYERS CITY COUNCIL</b>						
<b>Mayor</b> Jim Humphrey	<b>Ward 1</b> Warren J. Wright	<b>Ward 2</b> Johnny W. Streets, Jr.	<b>Ward 3</b> Levon Simms	<b>Ward 4</b> Michael Flanders	<b>Ward 5</b> Randall P. Henderson, Jr.	<b>Ward 6</b> Thomas C. Leonardo

**CITY COUNCIL CHAMBERS, 2200 SECOND STREET, FORT MYERS, FLORIDA**

Please complete a "Request to Speak" form if you plan to address the City Council and submit to the City Clerk prior to the start of the meeting.

**CALL TO ORDER**

**Opening Prayer**

**Pledge of Allegiance to the Flag of the United States of America**

**Roll Call**


**PROCLAMATIONS AND SPECIAL PRESENTATIONS**

1. Presentation of Beautification Award to Rooms To Go, furniture store, 4800 S. Cleveland Avenue, for landscape beautification (Ward 5)

--

**PUBLIC INPUT - NON-PUBLIC HEARING AGENDA ITEMS:** (Four (4) minute time limit per speaker.)

**Public Hearings: Item Nos. 29-30** (Public input will be heard during the public hearings)

--

**AGENDA  
CITY COUNCIL MEETING**

January 7, 2008  
4:30 o'clock p.m.

**CONSENT AGENDA (ITEM NOS. 2-28)**

**Any Council Member may have an item removed from the consent agenda and placed on the regular agenda for further discussion following the consent agenda.**

2. Minutes of the regular meeting held on December 17, 2007, and the reconvened meeting on December 18, 2007
3. Establish a budget in the amount of \$3,750.00 for repairs and maintenance of the existing marina wide pump-out for the Yacht Basin utilizing grant funds received from the Florida Department of Environmental Protection Clean Vessel Act and a 25 percent cash match in the amount of \$3,750.00 (Ward 4)
4. Budget amendment in the amount of \$8,522.00 reducing Fire Station No. 1 Replacement capital project revenue and expenses to match funds received from the sale of the property at 2404 Dr. Martin Luther King Jr. Boulevard (Ward 3)
5. Budget amendment in the amount of \$15,000.00 appropriating funds received from the South Florida Water Management District Grant and increasing Billy Creek, Manuels Branch, Winkler Canal, and Carrell Canal Water Quality Improvements capital project by like amount for design of Manuels Branch Silt Reduction Structure (Ward 4)
6. Budget amendment in the amount of \$30,000.00 appropriating funds received from the South Florida Water Management District Grant and increasing Billy Creek, Manuels Branch, Winkler Canal, and Carrell Canal Water Quality Improvements capital project by like amount for design of Ford Street Canal Filter Marsh (Ward 2 and Ward 3)


**AGENDA**  
**CITY COUNCIL MEETING**

January 7, 2008  
4:30 o'clock p.m.

7. Budget amendment in the amount of \$44,465.00 from Ortiz/Colonial Additional Left Turn Lane Capital Improvement Budget project to Gas Tax Construction Fund, due to project completion under budget (Ward 2)
8. Budget amendment in the amount of \$44,465.00 from Gas Tax Construction Fund and increasing Colonial Boulevard Improvements/Ortiz-Dynasty Road Capital Improvement Budget project by like amount, for evaluation of the intersection (Ward 2)
9. Budget amendment in the amount of \$157,000.00 increasing Hendry Street Right-of-Way for Market Construction Capital Improvement Budget project, utilizing funds from 2006 Revenue Bonds, for divided roadway work including additional bricks, wider sidewalks, irrigation, landscape, asphalt, and median curb (Ward 4)
10. Budget transfer in the amount of \$550,000.00 from Rights-of-Way to Construction for engineering design services for the Edison Avenue Realignment capital project, utilizing 2006 Revenue Bonds (Ward 4)
11. South Trail Interlocal Agreement for Fire and Emergency Medical Services payable at 1.8199 mills to South Trail Fire Protection and Rescue Service District, for fire and emergency services at Reflection Isles (fka Reflection Lakes, Palomino Estates, and Worthington Holdings), Paseo Subdivision (fka Parker Daniels Reserve Area), and Morgan Hill, located between Six Mile Cypress Slough and Interstate 75, north of Penzance Boulevard, effective to September 30, 2017 (Ward 6)


**AGENDA**  
**CITY COUNCIL MEETING**

January 7, 2008  
4:30 o'clock p.m.

12. Amendment No. 1 to Clean Water State Revolving Fund Construction Loan Agreement No. WW667130, in the reduced amount of \$4,705,584.00, with Florida Water Pollution Control Financing Corporation, for Phase III-C Areas 6 and 7 Utility Improvement Project, changing the funding source to State of Florida Department of Environmental Protection (Ward 3)
13. Clean Water State Revolving Fund Construction Loan Agreement No. WW667150, in the amount of \$3,162,600.00, with State of Florida Department of Environmental Protection, Phase III-C Areas 6 and 7 Utility Improvement Project, changing the funding with Florida Water Pollution Control Financing Corporation (Ward 3)
14. Modification No. 1 to Federally Funded Subgrant Agreement with the Florida Division of Emergency Management, for the Federal Emergency Management Agency Project No. 1539-124-R, Manuels Branch Watershed Improvement Drainage Project, revising the term effective July 27, 2007, through October 23, 2008 (Ward 4)
15. Final Close Out and Change Order No. 1, in the amount of \$6,220.95, to Contract No. 52-06-07, Clotilde Sidewalk Project with Neubert Construction Service, Inc., for adjustment of drainage, ditch grading, and right-of-way restoration, increasing the contract amount from \$89,883.80 to \$96,104.75, and release of final payment in the amount of \$24,275.48 (Ward 1 and Ward 2)

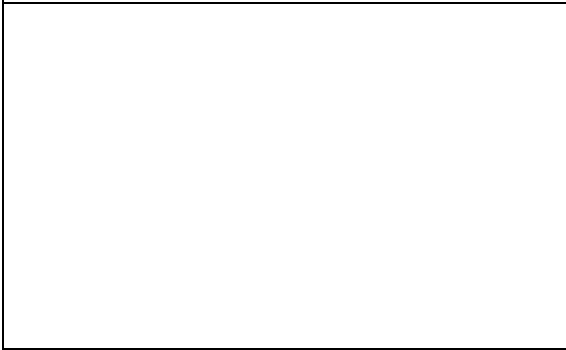

**AGENDA**  
**CITY COUNCIL MEETING**

January 7, 2008  
4:30 o'clock p.m.

16. Change Order No. 4 to Amendment No. 2, in the amount of \$156,703.92, to Contract No. 1004-04, Construction Management-at-Risk Agreement with Kraft Construction Company, Inc, for Downtown Utility & Streetscape Improvements Phase K-1B, for the widening of Hendry Street between Bay Street and Edwards Drive, increasing the contract amount from \$19,038,332.56 to \$19,195,036.48, and increasing the contract time by 20 days or to a completion date of September 25, 2008 (Ward 4)



17. Agreement for Joint Landscaping and Stormwater Installation and Maintenance between Theriac Enterprises of Colonial LLC and Colonial Radiation Associates, to develop a common site plan for separately owned properties located at 2200, 2234, and 2270 Colonial Boulevard, between Cleveland Avenue and Fowler Street (Ward 6)



18. Agreement for Joint Access and Parking between Theriac Enterprises of Colonial LLC and Colonial Radiation Associates, to develop a common site plan for separately owned properties located at 2200, 2234, and 2270 Colonial Boulevard, between Cleveland Avenue and Fowler Street (Ward 6)



19. Covenant Running with the Land in Lieu of Unity of Title between Theriac Enterprises of Colonial LLC and Colonial Radiation Associates, to develop a common site plan for separately owned properties located at 2200, 2234, and 2270 Colonial Boulevard, between Cleveland Avenue and Fowler Street (Ward 6)



**AGENDA**  
**CITY COUNCIL MEETING**

January 7, 2008  
4:30 o'clock p.m.

- 20. Final plat for Majorca Palms Estates, 25.35 acres, more or less, located at 1050 Ortiz Avenue, north of Nottingham Drive, south of Archie Lane, and east of Nuna Avenue, as requested by Ortal, LLC, owner (Ward 3)
- 21. Replat for Tract 2, Oasis, 0.76 acres, more or less, located on Frierson Street, north of Palm Beach Boulevard, and east of East Riverside Drive, as requested by City National Bank of Florida, owner
- 22. Maintenance Easement and Hold Harmless Agreement with TRG Oasis (Master) Ltd., for developer maintenance of right-of-way improvements on Frierson Street between Palm Beach Boulevard and East Riverside Drive (Ward 2)
- 23. Grant of Lift Station Easement from Colonial Group, LLC, for an irregular shaped non-exclusive easement at Colonial Plaza, 4391 Colonial Boulevard, for a sanitary sewer lift station (Ward 3)
- 24. Grant of Frontage Road and Public Utility Easement from Colonial Group, LLC, for a 40 foot wide non-exclusive public utility and access easement at Colonial Plaza, 4391 Colonial Boulevard, for frontage road and public utilities (Ward 3)
- 25. Award Bid No. 70-07-08, Trailhead Park Recreation Facility to Compass Construction, Inc., in the amount of \$685,870.00, for site work including storm drainage, utilities, pavement, plumbing, mechanical, electrical, restroom/shelter building, large shelter, small shelter, landscaping, site furnishings, playground, exercise equipment, signage, lighting, and irrigation (Ward 6)


**AGENDA**  
**CITY COUNCIL MEETING**

January 7, 2008  
4:30 o'clock p.m.

26. Elevation of firms for Request for Qualifications No. 09/20/07-RFQ-PW, Landscape Architectural Services – Continuing Contract and authorize negotiations with the following:
- A. Gail Boorman & Associates, P.A.
  - CPH Engineers, Inc.
  - David J. Driapsa Landscape Architect
  - David M. Jones Jr. & Associates, Inc.
  - WilsonMiller, Inc.

--

27. Elevation of firms for Request for Qualifications No. 09/21/07-RFQ-PW, Architectural Building Services – Continuing Contract and authorize negotiations with the following:
- Alliance Design Group, P.A.
  - Astorino Architects, Inc.
  - BSSW Architects, Inc.
  - Disney & Associates, P.A.
  - Gora McGahey Associates in Architecture
  - Sheeley Architects, Inc.
  - Stevenson Architects, Inc.

--

28. Elevation and ranking of firms for Request for Qualifications No. 09/24/07-RFQ-PW, Civil Engineering Services for Central to South Advanced Wastewater Treatment Plant Reclaimed Water Transmission Main Interconnect and authorize negotiations with the following:
1. TKW Consulting Engineers, Inc.
  2. HSA Engineers and Scientists, Inc.
  3. Boyle Engineering Corporation
  4. RWA, Inc.

--

**PUBLIC HEARINGS** (on or about 5:15 o'clock p.m. or as soon thereafter as can be heard)

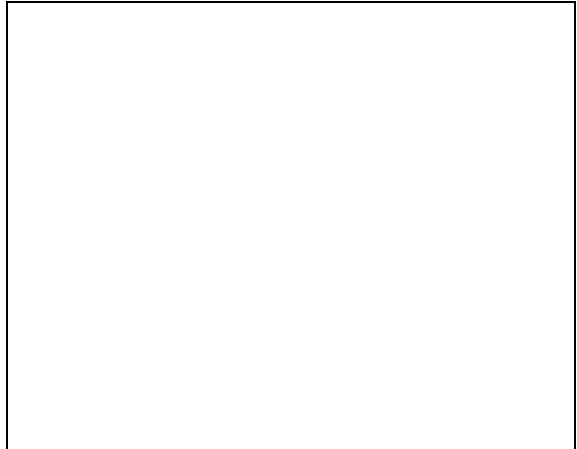
29. Ordinance No. 3436 creating disclosure requirements by requiring disclosure of all monies or compensation paid to a person or entity to support or not object to a matter from entities seeking City Council approval of any item or matter requiring a public hearing

--

**AGENDA**  
**CITY COUNCIL MEETING**

January 7, 2008  
4:30 o'clock p.m.

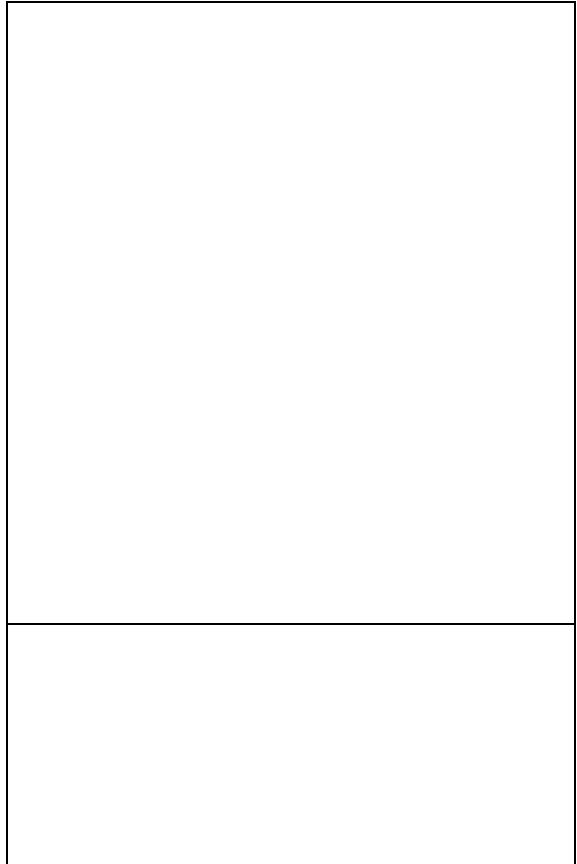
30. TRANSMITTAL PUBLIC HEARING:  
Transmittal of Comprehensive Plan Map Amendment 07-MA-02, assigning City land use of General Commercial, Medium Density Multi-Family Residential, and Conservation, for Airside Plaza, located at 11581 Daniels Parkway and Airside Loop Road, and submit to Florida Department of Community Affairs and other required agencies for review and subsequent Objections, Recommendations, and Comments Report (Ward 6)



**CITY COUNCIL COMMENTS AND ITEMS FOR CONSIDERATION**

**PERMISSION TO ADVERTISE**

31. Ordinance amending Ordinance No. 2824, the Planned Unit Development for Southwest Florida Addiction Services, Inc., located at 2516, 2530, 2542, and 2580 Grand Avenue, 2527 and 2535 Dixie Parkway, by including 8 additional lots, for a total of 2.38 acres, more or less, increase beds from 12 to 14 in male halfway house, demolition of 2 existing buildings, construction of a 3,300 square foot duplex, 3,400 square foot building, 3,500 square foot building, 2 classroom buildings, covered patio, and new parking, to be constructed in 3 phases, as requested by Southwest Florida Addiction Services, Inc., owner (Quasi-Judicial) (Ward 3)
32. Invitation for Proposals for Lease of Real Property in a Community Redevelopment Area, the Burroughs Home, 2505 First Street, for development of a garden, park or museum, pursuant to Florida Statute 163.380 (Ward 2)



**AGENDA  
CITY COUNCIL MEETING**

January 7, 2008  
4:30 o'clock p.m.

**CITY MANAGER'S ITEMS**

- 33. Resolution adopting the Joint Unified Local Mitigation Strategy for Lee County, dated February 13, 2007, as the formal guide for hazard mitigation activities and rescinding Resolution No. 2000-20
- 34. Resolution providing findings related to fertilizer use and encouraging residents to apply fertilizers to lawns and gardens in an environmentally responsible manner
- 35. First Amendment to Eastwood Snack Bar Lease with Sabine Burstein d/b/a Eastwood Snack Bar, Inc., at Eastwood Golf Course, 4600 Bruce Herd Lane, to provide no rent payments from January 1, 2008, through end of lease on May 31, 2008, with no renewal options (Ward 6)
- 36. Environmental Plan for the distribution of Submerged Land Lease Funds and prioritize recommended projects
- 37. Budget amendment in the amount of \$12,250.00 appropriating funds from Burroughs Home Prior Year Surplus and increasing 2007-2008 Burroughs Home Repair and Maintenance expenses by like amount for replacement of condenser and piping (Ward 2)


**CITY ATTORNEY'S ITEMS**

**Adjourn**

If a person decides to appeal any decision made by City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Special Requirements: If you require special aid or services as addressed in the Americans with Disabilities Act, please contact the City Clerk's Office at (239) 332-6742 or for the hearing impaired, TDD telephone number (239) 332-2541.